

# **BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS**



## **REGULATIONS GOVERNING CERTIFIED PROFESIONAL WETLAND DELINEATORS**

**Effective July 14, 2004**

**STATUTES**  
**Title 54.1, Chapter 22**

*Virginia*

**DPOR**  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

**3600 West Broad Street  
Richmond, Virginia 23230-4917  
(804) 367-8500**

**[www.dpor.virginia.gov](http://www.dpor.virginia.gov)**



## **NOTICE SUMMARY OF SIGNIFICANT CHANGES**

These regulations are effective July 14, 2004, and are the initial set of regulations for the regulation of certified professional wetland delineators. As a regulant of the Board, you are responsible for following all regulations; therefore, you should read and become familiar with all regulations printed in this booklet. These regulations should be thoroughly reviewed. Following is a brief summary of the regulations to assist you in your review.

- Definitions of terms used in the regulations;
- Entry standards for those seeking to practice as certified professional wetland delineators;
- Renewal and reinstatement standards for regulants;
- Standards of practice and conduct; and
- Grounds for disciplinary action against regulants.

## **STATEMENT OF PURPOSE**

This booklet contains the information you will need to obtain your certification as a wetland delineator. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 22. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to obtain and keep your certification. **BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR CERTIFICATE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Professional Soil Scientists and Wetland Professionals  
Department of Professional and Occupational Regulation  
3600 West Broad Street  
Richmond, Virginia 23230-4917

or call the Department at (804) 367-8500.

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**PART I.**  
**GENERAL**

**18 VAC 145-30-10. Definitions.**

All terms defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

**“Tidal wetlands”** means those wetlands as defined by § 28.2-1300 of the Code of Virginia.

**“Nontidal wetlands”** means wetlands except those as defined by § 28.2-1300 of the Code of Virginia.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

## **PART II.**

### **ENTRY**

#### **18 VAC 145-30-20. Qualifications for certification.**

Applicants for certification shall meet the requirements specified in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia, as amended, and this chapter.

##### ***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

#### **18 VAC 145-30-30. Receipt of Application.**

The date the completely documented application and fee are received in the board's office shall determine if the application has been received by the established deadline.

##### ***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

#### **18 VAC 145-30-40. Qualification for examination.**

A. In order to qualify for the examination, an applicant shall provide three written references that comply with subsection B of this section and satisfy one of the following criteria:

1. Hold a bachelor's degree from an accredited institution of higher education in a wetland science, biology, biological engineering, civil and environmental engineering, ecology, soil science, geology, hydrology or any similar biological, physical, natural science or environmental engineering curriculum that has been approved by the board; have successfully completed a course of instruction in state and federal wetland delineation methods that has been approved by the board; and have at least four years of experience in wetland delineation which meets the requirements of subdivision 1 or 2 of 18 VAC 145-30-50, under the supervision of a certified professional wetland delineator, the quality of which demonstrates to the board that the applicant is competent to practice as a certified professional wetland delineator;
2. Have a record of at least six years of experience in wetland delineation, which meets the requirements of subdivision 1 or 2 of 18 VAC 145-30-50, under the supervision of a certified professional wetland delineator, the quality of which demonstrates to the board that the applicant is competent to practice as a certified professional wetland delineator; or

3. Have a record of at least four years of experience in wetland science research or as a teacher of wetlands curriculum in an accredited institution of higher education, which meets the requirements of subdivision 3 of 18 VAC 145-30-50 and, the quality of which demonstrates to the board that the applicant is competent to practice as a certified professional wetland delineator.

B. Every applicant shall provide three written references, on a form provided by the board, from wetland professionals with at least one from a certified professional wetland delineator. Individuals who provide references shall not be related to the applicant and shall have known the applicant for at least one year. Individuals who provide references may not also verify experience, including research or teaching experience.

C. Notwithstanding the requirements of subsections A and B, the requirement for a reference from and supervision by a certified professional wetland delineator shall be waived provided a complete application is received by the board on or before June 30, 2006.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

**18 VAC 145-30-50. Qualifying experience in wetland delineation.**

An applicant shall demonstrate experience in one of the following areas:

1. For those individuals applying pursuant to the provisions of 18 VAC 145-30-40 A 1 or A 2, the experience in wetland delineation must be as a wetland professional and include the preparation of no less than 10 delineations, which must be no more than 10 years old at the time of receipt by the board office, delineating wetlands in accordance with applicable state and federal regulations that include the proper identification of vegetation, soil and hydrology indicators. At least six of the 10 delineations must be for nontidal wetlands; or
2. For those individuals applying pursuant to the provisions of 18 VAC 145-30-40 A 1 or A 2, the experience in wetland delineation must be as a wetland professional and include the inspection, review or confirmation of no less than 30 delineations as an employee of a federal, state or local governmental body that is authorized to review or approve such delineations, which must be no more than 10 years old at the time of receipt by the board office, delineating wetlands in accordance with applicable state and federal regulations that include the proper identification of vegetation, soil and hydrology indicators. Such experience must include the performance of field verifications of a portion of those wetland delineations that were inspected, reviewed or confirmed. At least six of the 30 delineations must be for nontidal wetlands; or



3. For those individuals applying pursuant to the provisions of 18 VAC 145-30-40 A 3, the experience as a wetland science researcher must include the preparation of a minimum of three field studies focused on wetland delineation practice and issues, which includes the proper identification of vegetation, soil and hydrology indicators, and the experience as a teacher of wetlands curriculum must have been acquired in an accredited institution of higher education as a field or laboratory instructor of quarter or semester length classes for a minimum of six semester hours, or equivalent, within the past 10 years prior to the receipt of the application by the board office, and the curriculum must have included the proper identification of vegetation, soil and hydrology indicators.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

**18 VAC 145-30-60. Course Requirements.**

The education required pursuant to 18 VAC 145-30-40 A 1 must include the following:

- A. For a bachelors degree in any similar biological, physical, natural science or environmental engineering curriculum to be approved by the board, it shall, at a minimum, contain the following:
  1. Fifteen semester hours, or equivalent, in biological sciences including courses such as general biology, botany or zoology; general ecology; plant, animal, aquatic or wetlands ecology; invertebrate zoology; taxonomy; marine science; fisheries biology; plant physiology, plant taxonomy, plant pathology, plant morphology; relevant environmental sciences, and similar courses;
  2. Fifteen semester hours, or equivalent, in physical sciences including courses in soils, chemistry, hydrology, physics, geology, sedimentology, oceanography, coastal processes, environmental engineering, and similar courses; and
  3. Six semester hours, or equivalent, in quantitative sciences including courses in math, computer sciences, basic statistics, population dynamics, experimental statistics, and similar courses.
- B. The applicant must have successfully completed a course of instruction, of a minimum of 32 hours, in state and federal wetland delineation methods that includes the proper identification of vegetation, soil and hydrology indicators and a field component.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

**18 VAC 145-30-70. Examination.**

- A. Once approved by the board, an applicant shall be eligible to sit for a board-approved examination.
- B. An applicant must meet all eligibility requirements as of the date the completely documented application and fee is received by the board's office. For examination candidates, the completely documented application and fee must be received by the board's office at least 90 days prior to the examination.
- C. A candidate approved to take an examination shall do so within one year of the date of approval or submit a new application and fee in accordance with these regulations. If an applicant should not pass the board-approved examination within one year of being approved, the applicant shall be required to submit a new application and fee in accordance with this chapter in order to take the examination.
- D. A candidate who is unable to take the examination at the time scheduled must notify the department in writing prior to the date of the examination; such a candidate will be rescheduled for the next examination without an additional fee. Failure to so notify the department will result in forfeiture of the examination or reexamination fee.
- E. Candidates will be notified of passing or failing the examination.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

**18 VAC 145-30-80. Waiver from examination.**

An applicant shall be granted a Virginia certificate without examination, provided that:

- 1. The applicant holds an unexpired professional wetland delineator certificate or equivalent issued on the basis of equivalent requirements for certification in Virginia, by a regulatory body of another state, territory or possession of the United States or has been provisionally certified under the U.S. Army Corps of Engineers Wetland Delineator Certification Program of 1993 and is not, nor has been, the subject of any disciplinary proceeding before such regulatory body, and such other regulatory body recognizes the certificates issued by this board provided all other requirements of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia and this chapter are satisfied; or
- 2. Applicants who submit a complete application so that it is received by the board on or before June 30, 2006, and are found to be qualified pursuant to § 54.1-

2206.B of the Code of Virginia (effective July 1, 2004) provided all other requirements of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia and this chapter are satisfied.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

### **PART III.**

#### **FEES, RENEWAL AND REINSTATEMENT REQUIREMENTS**

##### **18 VAC 145-30-90. Fees.**

All fees required by the board are nonrefundable and shall not be prorated.

<b>Fee Type</b>	<b>Amount</b>
Application	\$300
Renewal fee	\$260
Late renewal fee	\$25
Reinstatement fee	\$300
Examination fee	\$150

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

##### **18 VAC 145-30-100. Expiration.**

Certificates issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the certificate.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

##### **18 VAC 145-30-110. Renewal.**

- A. The department shall send a renewal notice to the certificate holder at the last known address of record at least 30 days prior to expiration. Failure to receive this notice does not relieve the certificate holder from the requirement to renew the certificate. If the certificate holder fails to receive the renewal notice, a copy of the certificate shall be submitted with the required fee in lieu of the renewal notice.
- B. If the renewal fee is not received by the department within 30 calendar days following the expiration date noted on the certificate, a late renewal fee of \$25 shall be required in addition to the regular renewal fee. If the certificate is renewed after 30 days from the expiration date and prior to 180 days of the expiration date, the effective date of the

renewal shall be the original renewal date. No certificate may be renewed more than 180 days following the date of expiration noted on the certificate.

- C. The date a fee is received by the department or its agent shall determine whether a late renewal fee or the requirement for reinstatement or reapplication is applicable.
- D. A certificate suspended by board order shall not be renewed until the period of suspension has ended and all terms and conditions of the board's order have been met. Individuals renewing certificates within 30 days after the suspension is lifted will not be required to pay a late fee.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

**18 VAC 145-30-120. Reinstatement.**

- A. If the renewal fee and late renewal fee are not received by the department within 180 days following the expiration date noted on the certificate, the certificate holder shall no longer be considered a certificate holder and will be required to apply for certificate reinstatement. The applicant shall meet the current eligibility standards for certification as a Virginia certified professional wetland delineator. The board may require examination or reexamination. The fee for reinstatement shall include the regular renewal fee plus the reinstatement fee.
- B. If the reinstatement application and fee are not received by the department within one year following the expiration date noted on the certificate, the applicant shall apply as a new applicant and shall meet all current entry requirements as may be required by the board.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

**18 VAC 145-30-130. Denial of Application or Renewal.**

The board may, in its discretion, refuse to grant, renew or reinstate a certificate of any person for any of the reasons specified in Chapters 1, 2 or 22 of Title 54.1 of the Code of Virginia and this chapter including, but not limited to, Part IV (18 VAC 145-30-140 et seq.) of this chapter.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

## **PART IV.**

### **STANDARDS OF PRACTICE AND CONDUCT**

#### **18 VAC 145-30-140. Standards of practice and conduct.**

A Virginia certified professional wetland delineator:

1. Shall not submit any false statements, make any misrepresentations or fail to disclose any facts requested concerning any application for certification or recertification.
2. Shall not engage in any fraud, deceit or misrepresentation in advertising, in soliciting or in providing professional services.
3. Shall not knowingly sign any plans, drawings, blueprints, surveys, reports, specifications, maps or other documents not prepared or reviewed and approved by the certificate holder.
4. Shall not knowingly represent a client or employer on a project on which the certificate holder represents or has represented another client or employer without making full disclosure thereof.
5. Shall express a professional opinion only when it is founded on adequate knowledge of established facts at issue and based on a background of technical competence in the subject matter.
6. Shall not knowingly misrepresent factual information in expressing a professional opinion.
7. Shall immediately notify the client or employer and the appropriate regulatory agency if the certificate holder's professional judgment is overruled and not adhered to when advising appropriate parties of any circumstances of a substantial threat to the public health, safety, or welfare.
8. Shall exercise reasonable care when rendering professional services and shall apply the technical knowledge, skill and terminology ordinarily applied by practicing wetland professionals.
9. Shall sign and date all plans, drawings, blueprints, surveys, reports, specifications, maps or other documents prepared or reviewed and approved by the certificate holder. The certified wetland professional delineator shall also indicate that he is a Virginia Certified Wetland Professional Delineator on all plans, drawings, blueprints, surveys, reports, specifications, maps or other

documents prepared or reviewed and approved by the certificate holder and include his certificate number.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

**18 VAC 145-30-150. Grounds for suspension, revocation or other disciplinary action.**

The board has the power to fine any certificate holder, and to suspend or revoke any certificate issued under the provisions of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia, and the regulations of the board, where the certificate holder has been found to have violated or cooperated with others in violating any provision of Chapters 1, 2 or 22 of Title 54.1 of the Code of Virginia, or any regulation of the board.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

**18 VAC 145-30-160. Change of Address**

A certificate holder shall keep the department informed of his current mailing address. Change of address shall be reported to the department in writing within 30 calendar days of the change.

***Historical Notes:***

*Virginia Register Volume 20, Issue 20, eff. July 14, 2004*

Included in this booklet are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Board for Professional Soil Scientists and Wetland Professionals. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2004 session. Any changes made during the 2004 session became effective July 1, 2004, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

## **§§ 54.1-2200 THROUGH 54.1-2208**

### **§ 54.1-2200. (Effective July 1, 2004) Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Professional Soil Scientists and Wetland Professionals.

"Department" means the Department of Professional and Occupational Regulation.

"Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to become certified.

"Eligible wetland professional" means a person who possesses the qualifications specified in this chapter to become certified.

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, but not limited to, observation, investigation, and consultation on measured, observed and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports and interpretive drawings.

"Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods including, but not limited to, observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports and interpretive drawings.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil and predicting their suitability for and response to various uses.



"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principles of soil evaluation as acquired by education and experience in the formation, description and mapping of soils.

"Virginia certified professional soil scientist" means a person who possesses the qualifications required for certification by the provisions of this chapter and the regulations of the Board and who has been granted certification by the Board.

"Virginia certified professional wetland delineator" means a person who possesses the qualifications required for certification by the provisions of this chapter and the regulations of the Board and who is granted certification by the Board.

"Wetland delineation" means delineating wetland limits in accordance with prevailing state and federal regulatory guidance and describing wetland types.

"Wetland professional" means a person having special knowledge of wetland science and the methods and principles of wetland delineation as acquired by education and experience in the formation, description and mapping of wetlands.

"Wetland science" means the science dealing with the physical, chemical, and biological properties of wetland systems integrated through ecological and morphological relationships.

"Wetlands" means the same as that term is defined in §§ 62.1-44.3 and 28.2-1300.

**§ 54.1-2201. (Effective July 1, 2004) Exceptions.**

A. The certification programs set forth in this chapter are voluntary and shall not be construed to prohibit:

1. The practice of soil evaluation or wetland delineation by individuals who are not certified soil scientists or certified professional wetland delineators as defined in this chapter;
2. The work of an employee or a subordinate of a certified soil scientist or of an individual who is practicing soil evaluation without being certified;
3. The work of an employee or a subordinate of a certified professional wetland delineator or of an individual who is practicing wetland delineation without being certified;
4. The work of any professional engineer, certified landscape architect, or land surveyor as defined by § 54.1-400 in rendering any of the services that constitute the practice of wetland delineation or the practice of soil evaluation; or

5. The practice of any profession or occupation which is regulated by another regulatory board within the Department of Professional and Occupational Regulation.

B. Nothing in this chapter shall authorize an individual to engage in the practice of engineering, the practice of land surveying or to use the title of landscape architect, unless such individual is licensed or certified pursuant to Chapter 4 (§ 54.1-400 et seq.) of this title.

**§ 54.1-2202. Board; membership; quorum.**

Notwithstanding the provisions of § 54.1-200, the Board for Professional Soil Scientists and Wetland Professionals shall be composed of seven members as follows: three certified professional soil scientists, three certified professional wetland delineators and one citizen member. The professional soil scientist members shall have experience in at least one of the following areas (i) soil mapping and classification, (ii) soil suitability and land use, (iii) teaching and research in soil science, and (iv) environmental protection regulations. Of the wetland professional members, one shall have experience in wetland delineation and description, one shall have experience in teaching and research in wetland science and one shall have experience with natural resource regulations. For the initial appointments of the wetland professionals the terms shall be as follows: one member shall serve a term of two years, one member shall serve a term of three years, and one member shall serve a term of four years. Initial appointments of wetland professional members to the Board shall not be certified professional wetland delineators but shall have a record of at least ten years of experience in wetland delineation. Subsequent terms of the members shall be for four years.

The Board shall annually elect a chairman from its membership. Four board members, consisting of two soil scientists and two professional wetland delineators, shall constitute a quorum.

The Governor may select the professional soil scientist members from a list of at least three names for each vacancy submitted by the Virginia Association of Professional Soil Scientists. The Governor may notify the Virginia Association of Professional Soil Scientists of any professional vacancy other than by expiration among the professional soil scientist members of the Board and nominations may be made for the filling of the vacancy.

The Governor may select the wetland professionals from a list of at least three names for each vacancy submitted by the Virginia Association of Wetland Professionals. The Governor may notify and request nominations from the Virginia Association of Wetland Professionals of any professional vacancy other than by expiration among the wetland professional members.

**§ 54.1-2203. (Effective July 1, 2004) Eligibility for certification.**

A. Any person practicing or offering to practice as a soil scientist in the Commonwealth may submit to the Board evidence of qualification to be certified as provided in this chapter. The Board may certify any applicant who has satisfactorily met the requirements of this chapter and its regulations and shall specify on the certificate the appropriate endorsement.

B. Any person practicing or offering to practice as a wetland professional in the Commonwealth may submit to the Board evidence of qualification to be a certified professional wetland delineator as provided in this chapter. The Board may certify any applicant who has satisfactorily met the requirements of this chapter and its regulations and shall specify on the certificate the appropriate endorsement.

C. Any individual who allows his certification to lapse by failing to renew the certificate or failing to meet professional activity requirements stipulated in the regulations may be reinstated by the Board upon submission of satisfactory evidence that he is practicing in a competent manner and upon payment of the prescribed fee.

**§ 54.1-2204. Requirements for application for certification.**

The Board may certify any applicant as a Virginia certified professional soil scientist who has submitted satisfactory evidence verified by affidavits that the applicant:

1. Is eighteen years of age or more;
2. Is of good moral character; and
3. Has successfully completed such educational and experiential requirements as are required by this chapter and the regulations of the Board.

**§ 54.1-2205. Requirements for certification.**

A. In order to be certified as a professional soil scientist, an applicant shall achieve a score acceptable to the Board on an examination in the principles and practice of soil evaluation and satisfy one of the following criteria:

1. Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum which has been approved by the Board and have at least four years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or
2. Hold a bachelor's degree in one of the natural sciences and have at least five years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or
3. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or
4. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an accredited institution of higher education which offers an approved four-year program in soils and at least two years of soil evaluation experience, the quality of which

demonstrates to the Board that the applicant is competent to practice as a professional soil scientist.

B. Notwithstanding the requirements in subsection A, any person appointed to serve on the Board as a professional soil scientist member prior to July 1, 1991, shall be deemed certified for the purposes of this chapter.

**§ 54.1-2206. (Effective July 1, 2004) Waiver of examination.**

A. The Board may waive the requirement for examination pursuant to § 54.1-2205 upon written application from an individual who holds an unexpired certificate or its equivalent issued by a regulatory body of another state, territory or possession of the United States and is not the subject of any disciplinary proceeding before such regulatory body which could result in the suspension or revocation of his certificate, if such other state, territory or possession recognizes the certificates issued by the Board.

B. The Board shall waive the requirement for examination pursuant to § 54.1-2206.2 upon the written application from an individual who (i) holds an unexpired certificate or its equivalent issued by a regulatory body of another state, territory or possession of the United States or has been provisionally certified under the U.S. Army Corps of Engineers Wetland Delineator Certification Program of 1993 and is not the subject of any disciplinary proceeding before such regulatory body, which could result in the suspension or revocation of his certificate or (ii) has a record of at least 10 years of experience in wetland delineation the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator. This provision shall expire two years after initiation of the program.

**§ 54.1-2206.1. (Effective July 1, 2004) Requirements for application for professional wetland delineator certification.**

The Board may certify any applicant as a Virginia certified professional wetland delineator who has submitted satisfactory evidence verified by affidavits that the applicant:

1. Is eighteen years of age or older;
2. Is of good moral character; and
3. Has successfully completed such educational and experiential requirements as are required by this chapter and the regulations of the Board.

**§ 54.1-2206.2. (Effective July 1, 2004) Requirements for professional wetland delineator certification.**

A. In order to be certified as a professional wetland delineator, an applicant shall achieve a score acceptable to the Board on an examination, which may include a field practicum, in the principles and practice of wetland delineation, provide three written references from wetland professionals with at least one from a certified professional wetland delineator, and satisfy one of the following criteria:

1. Hold a bachelor's degree from an accredited institution of higher education in a wetland science, biology, biological engineering, civil and environmental engineering, ecology, soil science, geology, hydrology or any similar biological, physical, natural science or environmental engineering curriculum that has been approved by the Board; have successfully completed a course of instruction, in state and federal wetland delineation methods, that has been approved by the Board; and have at least four years of experience in wetland delineation under the supervision of a certified professional wetland delineator, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator;
2. Have a record of at least six years of experience in wetland delineation under the supervision of a certified professional wetland delineator, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator; or
3. Have a record of at least four years of experience in wetland science research or as a teacher of wetlands curriculum in an accredited institution of higher education, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator.

B. Notwithstanding the requirements of subsection A, the requirement for a reference from and supervision by a certified professional wetland delineator shall be waived for the first two years of the program.

**§ 54.1-2207. (Effective July 1, 2004) Unprofessional conduct.**

Any professional soil scientist or wetland delineator who is certified as provided in this chapter shall be considered guilty of unprofessional conduct and subject to disciplinary action by the Board, if he:

1. Obtains his certification through fraud or deceit;
2. Violates or cooperates with others in violating any provision of this chapter, the Code of Professional Ethics and Conduct or any regulation of the Board;
3. Performs any act likely to deceive, defraud or harm the public;

4. Demonstrates gross negligence, incompetence or misconduct in the practice of soil evaluation or wetland delineation; or

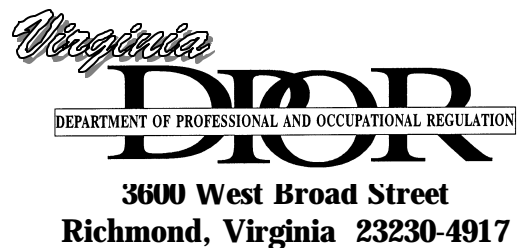
5. Is convicted of a felony.

**§ 54.1-2208. (Effective July 1, 2004) Unlawful representation as a certified professional soil scientist or wetland delineator.**

A. No person shall represent himself as a certified professional soil scientist unless he has been so certified by the Board. Any person practicing or offering to practice soil evaluation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead, represents himself as a certified professional soil scientist without holding such a certificate from the Board shall be guilty of a Class 1 misdemeanor.

B. No person shall represent himself as a certified professional wetland delineator unless he has been so certified by the Board. Any person practicing or offering to practice wetland delineation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead, represents himself as a certified professional wetland delineator without holding such a certificate from the Board shall be guilty of a Class 1 misdemeanor.





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## NOTICE

PLEASE REFER TO FIRST PAGE OF BOOKLET FOR NOTES ON IMPORTANT CHANGES.